

AF16



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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	09/618,178	
	Filing Date	18 July 2000	
	First Named Inventor	LINCOLN, Stephen E.	
	Art Unit	1634	
	Examiner Name	FREDMAN, Jeffrey N.	
Total Number of Pages in This Submission		Attorney Docket Number	13151-2

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	<b>PTO/SB/08b Form</b> <b>eleven citations</b> <b>Notice of Opposition with attachments</b> <b>Transmittal Communication from European Patent Office</b> <b>Return Receipt Postcard</b>
<input checked="" type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	J. David Ellett, Jr.
Signature	
Date	5 April 2004

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:			
Typed or printed name	J. David Ellett, Jr.		
Signature		Date	5 April 2004

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PTO/SB/17 (10-03)  
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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) \$180.00

## Complete if Known

Application Number	09/618,178
Filing Date	18 July 2000
First Named Inventor	LINCOLN, Stephen E.
Examiner Name	FREDMAN, Jeffrey N.
Art Unit	1634
Attorney Docket No.	13151-2

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit  
Account  
Number

11-0171

Deposit  
Account  
Name

Kalow & Springut LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$)

### 2. EXTRA CLAIM FEES FOR UTILITY AND

		Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	-20** =	<input type="text" value="0"/>	X	<input type="text"/>	= <input type="text" value="0.00"/>
Independent Claims	<input type="text"/>	-3** =	<input type="text" value="0"/>	X	<input type="text"/>	= <input type="text" value="0.00"/>
Multiple Dependent	<input type="text"/>				<input type="text"/>	= <input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) \$0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non - English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR § 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Statement	180.00
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) \$180.00

## SUBMITTED BY

Name (Print/Type)	J. David Ellett, Jr.	Registration No. (Attorney/Agent)	27, 875	Telephone	(212) 813-1600
Signature		Date	5 April 2004		

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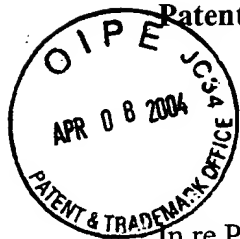
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60161.1

Patent

13151-2



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

Applicants : LINCOLN, Stephen E. and  
KNAPP, Michael R.

:  
:  
:  
: Examiner: FREDMAN, Jeffrey N.

Serial No. : 09/618,178

:  
:  
: Group Art Unit: 1634

Filing Date: 18 July 2000

Title : "Automatic Genotype Determination"

Kalow & Springut LLP  
488 Madison Avenue, 19<sup>th</sup> Floor  
New York, New York 10022

04/09/2004 SMINASS1 00000031 09618178

01 FC:1806

180.00 0P

**Customer No. 23719**

5 April 2004

Commissioner for Patents  
Post Office Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97(d)**

SIR or MADAM:

Pursuant to 37 CFR 1.97(d), the attorneys for the applicants hereby bring to the attention of the Patent and Trademark Office the following publications broadly related to the field of the invention of the application identified above:

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**Certificate of Mailing Under 37 CFR 1.8**

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5 April 2004  
Date

J. David Ellett, Jr. (Reg. No. 27,875)

Applicants: Stephen E. Lincoln and  
Michael R. Knapp  
Serial No.: 09/618,178  
Filed: 18 July 2000  
Page 2

**Non-Patent Literature Documents**

- D.2 BAIRD, M.L., "Quality control and quality assurance," in: BALLANTYNE, J., SENSABAUGH, G., WITTKOWSKI, J. (eds) "DNA technology and forensic science" (1989) 32 Banbury rpt., Cold Springs Laboratory Press, pp. 175-190.
- D.3 GALBRAITH *et al.*, "Sizing bands on autoradiograms: A study of precision for scoring DNA fingerprints," (1991), Electrophoresis 12: 210-220.
- D.4 BUCKLETON *et al.*, "A continuous model for interpreting the positions of bands in DNA locus-specific work," JFSS 31 (3): 353-363.
- D.5 BARTH, MUHLBAUER, NIKOL, WORLE, "Mathematische Formeln und Definitionen," (1986) Bayerischer Schulbuch-Verlag, Munich and J. Lindauer Verlag (Schaefer), Munich, pages 110 and 111 [in German].
- D.6 KINGHORN, B. P., KENNEDY, B.W., SMITH, C., "A Method of screening for genes of major effect," Genetics (1993), 134: 351-360.
- D.7 SYVANEN, A.C., AALTO-SETALA, K., HARJU, L., KONTULA, K., SODERLUND, H., "A primer-guided nucleotide incorporation assay in genotyping of apolipoprotein E," (1990), Genomics 8:684-692.
- D.8 LANDER "Population Genetic Considerations in the Forensic Use of DNA Typing," in: BALLANTYNE, J., SENSABAUGH, G., WITTKOWSKI, J. (eds) "DNA Technology and Forensic Science" (1989) Banbury Report 32, Cold Spring Harbor Laboratory Press, pp. 143-156.
- D.9 BAIRD *et al.*, "Allele Frequency Distribution of Two Highly Polymorphic DNA Sequences in Three Ethnic Groups and Its Application to the Determination of Paternity," (1986) Am J Hum Genet 39: pp. 489-501 [Pages 494 and 495 are missing and will be provided subsequently].
- D.10 COMMITTEE ON DNA TECHNOLOGY IN FORENSIC SCIENCE "DNA Technology in Forensic Science," (1992) National Academy Press, Washington, D.C.
- D.11 KILBANE, A.J., SILBART, L.K., MANIS, M., BEITINS, I.Z., WEBER, W.W., "Human N-acetylation genotype determination with urinary caffeine metabolites," (1990) Clin. Pharma- col., Ther. 47: 470-477.

Applicants: Stephen E. Lincoln and  
Michael R. Knapp  
Serial No.: 09/618,178  
Filed: 18 July 2000  
Page 3

D.12 GRIFFITHS, A.J.F., MILLER, J.H., SUZUKI, D.T., LEWONTIN, R.C., GELBART, W.M., eds (1993) "An introduction to genetic analysis," 5<sup>th</sup> edition, W.H. Freeman and Company, New York; pages 1-42, 425, 426, 456-459, 484-487, 703-732, and 737-749.

The items listed above are identified on Form PTO/SB/08 which is submitted with this statement.  
A copy of each of the items identified above is submitted with this statement.

The attorneys for the applicants take no position on whether or not any item cited above and listed on Form PTO/SB/08 constitutes prior art against the subject application under any particular provision of Title 35 of the United States Code.

Pursuant to 37 CFR 1.97(e)(1), the undersigned attorney hereby certifies that each item of information contained in the present information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement. A copy of the communication; a Notice of Opposition filed by a third party in the European Patent Office on 19 December 2003 against a European counterpart to the subject application, European patent EP 0 736 107; accompanies the present information disclosure statement. The 19 December 2003 Notice of Opposition was forwarded by the European Patent Office to a representative of the patent owner on 12 January 2004, as evident from the accompanying copy of a transmittal communication from the European Patent Office. The present information disclosure statement is therefore being submitted to the United States Patent and Trademark Office within three months of the 12 January 2004 communication of the Notice of Opposition to applicants' representative by the European Patent Office.

The accompanying Notice of Opposition identifies twelve citations designated D1 through D12 inclusive. Eleven citations D2 through D12 inclusive are contained in the present information disclosure statement by being listed above and on the accompanying form PTO/SB/08. Citation D1 of the Notice of Opposition, a publication by Nikiforov *et al.* in *Nucleic Acids Research*,

Applicants: Stephen E. Lincoln and  
Michael R. Knapp  
Serial No.: 09/618,178  
Filed: 18 July 2000  
Page 4

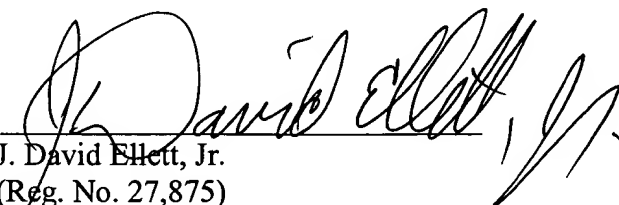
volume 22, pages 4167 through 4175 (1994), was previously made of record with respect to the subject application in an information disclosure statement filed on 7 September 2000 and is specifically excluded from the certification under 37 CFR 1.97(e)(1) set forth above. The office file for the subject application of the attorneys for the applicants does not include a copy of the Form PTO-1449 submitted with the information disclosure statement of 7 September 2000 signed by the examiner. However, in a telephone conference on or about 2 April 2004 with the undersigned attorney, the examiner presently in charge of the subject application, Examiner Jeffrey Fredman, indicated that Patent and Trademark Office computer records show that the Form PTO-1449 submitted with the information disclosure statement of 7 September 2000 had been signed by an examiner previously in charge of the application.

The fee under 37 CFR 1.97(d) for submitting an information disclosure statement under the present circumstances is estimated to be one hundred eighty dollars (\$180.00). A check to cover the estimated amount of \$180.00 is submitted with this statement in payment for the required fee. Please charge any deficiency in the payment submitted for the fee, or credit any overpayment, to deposit account No. 11-0171.

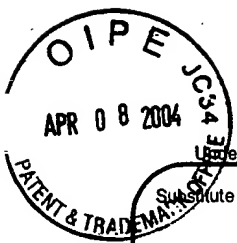
Respectfully submitted,

Attorneys for the Applicants

By

  
J. David Ellett, Jr.  
(Reg. No. 27,875)

Telephone: (212) 813-1600



PTO/SB/08B (08-03)

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Substitute for form 1449/PTO

**Complete if Known****INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet	2	of	2	Application Number	09/618,178
				Filing Date	18 July 2000
				First Named Inventor	LINCOLN, Stephen E.
				Art Unit	1634
				Examiner Name	FREDMAN, Jeffrey N.
				Attorney Docket Number	13151-2

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	D12	GRIFFITHS, A.J.F., MILLER, J.H., SUZUKI, D.T., LEWONTIN, R.C., GELBART, W.M., eds (1993) "An introduction to genetic analysis, 5th edition, W.H. Freeman and Company, New York; pages 1-42, 425, 426, 456-459, 484-487, 703-732, and 737-749.	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (Use as many sheets as necessary)		<b>Complete if Known</b>			
		Application Number	09/618,178		
		Filing Date	18 July 2000		
		First Named Inventor	LINCOLN, Stephen E.		
		Art Unit	1634		
		Examiner Name	FREDMAN, Jeffrey N.		
Sheet	1	of	2	Attorney Docket Number	13151-2

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	D2	BAIRD, M.L., "Quality control and quality assurance," in: Ballantyne, SENSABAUGH, G., WITTKOWSKI, J. (eds) "DNA Technology and forensic Science" (1989) 32 Banbury rpt., Cold Springs Lab Press, pp. 175-190	
	D3	GALBRAITH et al. "Sizing bands on autoradiograms: A Study of precision for scoring DNA fingerprints," (1991), Electrophoresis 12: 210-220	
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	D6	KINGHORN, B.P. KENNEDY, B.W., SMITH, C., "A Method of screening for genes of Major effect," Genetics (1993), 134: 351-360	
	D7	SYVANEN, A.C., AALTO-SETALA, K., HARJU, L. KONTULA, K., SODERLUND, H., "A primer-guided nucleotide incorporation assay in genotyping of apolipoprotein E," (1990), Genomics 8:684-692	
	D8	LANDER "Population Genetic Considerations in the Forensic Use of DNA Typing," in: BALLANTYNE, J., SENSABAUGH, G., WITTKOWSKI, J. (eds) "DNA Technology and Forensic science" (1989) Banbury report 32, Cold Spring Harbor Lab. Press, pp. 143-156	
	D9	BAIRD et al., "Allele Frequency Distribution of Two Highly Polymorphic DNA sequences in Three Ethnic Groups and Its Application to the Determination of Paternity," (1986) Am J. Hum Genet 39: pp 489-501*	
	D10	COMMITTEE ON DNA TECHNOLOGY IN FORENSIC SCIENCE "DNA Technology in Forensic Science", (1992) National Academy Press, Washington, D.C.	
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Examiner Signature		Date Considered	
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\*Pages 494 and 495, missing-will be provided later.